

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**UNITED STATES OF AMERICA**

**VS.**

**CRIMINAL NO.**

**AMSOUTH BANCORPORATION and  
AMSOUTH BANK**

**JOINT MOTION FOR APPROVAL OF DEFERRED PROSECUTION  
AGREEMENT AND EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT**

THE UNITED STATES OF AMERICA and Defendants AMSOUTH BANCORPORATION and AMSOUTH BANK, a wholly-owned subsidiary of AMSOUTH BANCORPORATION (hereinafter collectively referred to as "AmSouth"), by their respective attorneys, jointly move this Court for the entry of an Order approving the attached Deferred Prosecution Agreement and for the exclusion of a twelve (12) month period in computing the time within which any trial must be commenced upon the charge contained in the Information filed against AmSouth, pursuant to Title 18, United States Code, Section 3161(h)(2) of the Speedy Trial Act.

1. On October 12, 2004, the United States and AmSouth entered into a Deferred Prosecution Agreement, a true, correct and complete copy of which is attached hereto and incorporated by reference herein as Exhibit 1 (hereinafter, "the Agreement").
2. In paragraph 1 of the Agreement, AmSouth agreed to waive indictment and agreed to the filing of a one (1) count Information in the United States District Court for the Southern District of Mississippi charging it with failing to file suspicious activity reports in a timely, complete and accurate manner, in violation of 31 U.S.C. §§ 5318(g)(1) and 5322(b) and 31 C.F.R. § 103.18.

3. AmSouth hereby agrees to waive and does hereby expressly waive any and all rights to a speedy trial pursuant to the Sixth Amendment of the United States Constitution, Title 18, United States Code, Section 3161, Federal Rule of Criminal Procedure 48(b), and any applicable Local Rules of the United States District Court for the Southern District of Mississippi for the period that the Agreement is in effect.
4. The United States has agreed that if AmSouth is in full compliance with its obligations under the Agreement, the United States, within thirty (30) days of the expiration of the time period set forth in Paragraph 6 of the Agreement, will move this Court for dismissal with prejudice of the Information filed against AmSouth.
5. Pursuant to paragraph 15 of the Agreement, Exhibit 1 to the Agreement has been filed under seal because it relates to specific accounts and customers.

WHEREFORE, the United States and AmSouth respectfully request that this Honorable Court enter an Order approving the Agreement and excluding a twelve (12) month period in computing the time within which any trial must be commenced upon the charge contained in the Information filed against AmSouth pursuant to Title 18, United States Code, Section 3161(h)(2) of the Speedy Trial Act, and maintain Exhibit 1 to the Agreement under seal. A proposed Order is attached for the convenience of the Court.

DATED this the \_\_\_\_\_ day of October, 2004.

Respectfully Submitted,

UNITED STATES OF AMERICA

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